

IDAHO REAL ESTATE COMMISSION
MEETING MINUTES
April 17, 2008

Pursuant to notice given, the meeting of the Idaho Real Estate Commission (Commission) was held at Twin Falls Board of REALTORS®, 1162 Eastland Drive N Ste 1, Twin Falls, Idaho, on Thursday, April 17, 2008 at 9:00 a.m.

Commission Members Present:

Steve Kohntopp, Chair, Filer
Andy Enrico, Vice Chair, Boise
Kelly Fisher, Member, Pocatello
Pam Trees, Member, Lewiston
Comprising a quorum of the Commission

Members Absent:

Staff Present:

Jeanne Jackson-Heim, Executive Director
Craig Boyack, Chief Investigator
Mandy Frary, Education Director
Tammy Anderson, Administrative Assistant
Neal Bernklau, Licensing Supervisor

Others Present:

Kim Coster, Commission Legal Counsel
See attached list

Meeting was called to order at 9:00 a.m. by Commission Chair, Steve Kohntopp.

Introductions:

- a. Commissioners
- b. Staff

Approval of Meeting Minutes: Motion was made by Andy Enrico to approve the March 13, 2008 Commission meeting minutes. Motion carried.

Approval of Agenda: Motion was made by Andy Enrico to approve the April 17, 2008 agenda. Motion carried.

Financial Reports: Motion was made by Andy Enrico to approve the March 2008, Financial Reports. Motion carried.

Salesperson and Broker Licenses Issued: Members reviewed the salesperson and broker licenses issued during the month of March 2008, a copy of which has been made part of these minutes. Motion was made by Andy Enrico to approve the report. Motion carried.

License Examination Statistics:

Commissioners reviewed the license exam statistics report.

Staff Reports:

The following reports were presented for members' review; copies of which are on file at the Commission office:

- **Complaint Summary Report**
- **Audit Summary Report**
- **Enforcement Telephone Activity Log**
- **CE Violations Report**
- **Education Funds Awards**
- **FY07-FY08 Analysis of Active & Inactive License Base**
- **On-Line Renewal Reports**
- **Information and Technology Reports**

Online Lottery Drawing: Jill Claudine Smith (SP29699), from Hayden, won the lottery drawing for April 17, 2008.

Executive Director's Report:

- **Possible Discontinuation of Lottery:** Jeanne Jackson-Heim posed the question on whether the time for the lottery for online renewals has passed and that maybe we should consider discontinuing the monthly drawing. Discussion followed.
- **Revisions to Late Errors & Omissions Form:** Jeanne presented a revised Late Errors & Omissions form for approval. A motion was made by Andy Enrico to approve the revised form as presented today. Motion carried.
- **Posting of Disciplinary Actions:** Jeanne presented a report on what other states are posting on disciplinary actions taken against licensees. Jeanne stated that the vast majority of states have some information posted that shows a disciplinary action has been taken on a licensee. Discussion followed. Andy Enrico recommended that staff bring a proposal on posting of disciplinary actions back to the Commissioners for review.

Education Council Report:

- **Review of Draft Guidelines for Approving Education Fund Awards Applications:** Mandy Frary presented a proposed guideline for approving Education Fund Awards. A few brief descriptions on criteria for approving awards were reviewed. Discussion followed.
- **CRS Courses:** Commissioners discussed Education Fund Awards money and Designation courses and the prioritizing of the award monies.
- **RFP Update:** The License Exam contract is up in November and an RFP has been posted. IREC has requested an option for situational type testing for brokers.
- **Sales Prelicense Revisions Update:** The Curriculum Realignment work group is working on revising Module 1 and Module 2 exams. Both modules are scheduled to be ready July 1, 2008. Modules have been test piloted by Mike Gamblin. The committee is reviewing and revising the final course exams.
- **BCOO/Broker Management Update:** BSU and the Subject Matter Experts continue to meet and are working on rewriting the BCOO and Broker Management.
- **Meet & Greet** Mandy reported that she has been actively going out to meet providers and instructors and checking out classes.
- **Review of Ethics In Government Law:** Commissioners reviewed the law pertaining to prohibited activities for Commissioners.
- **Rick De Luca Seminar, GTFAR Summary Report:** Report was reviewed by Commissioners.

Education Funds Awards and Petitions:

- **Wendy Selditz, GIFAR:** Education Fund Award Request, No. 08-048, approved March 13, 2008. Commissioners reviewed and accepted Provider/Recipient's written notification designating a substitute instructor for the course.
- **Nancy Glaesemann, Odyssey Real Estate School, request to underwrite offering of Preserving Dignity & These Walls Can Talk, motion was made by Pam Trees to approve the request in the amount of (\$ 3,900.00) Three Thousand Nine Hundred Dollars. Motion carried.**
- **Robin Moffitt, PRES, request for development of a new course Investor Logic, motion was made by Kelly Fisher to partially approve request in the amount of (\$1,000.00) One Thousand Dollars. Motion carried. Subject to course being eligible for and actually submitted for CE Certification on or before July 1, 2008 payment to be made by May 15, 2008.**

- **Robin Moffitt, PRES,** request for development of a new course Creative Real Estate/Alternative Solutions, motion was made by Kelly Fisher to partially approve request in the amount of (\$1,000.00) One Thousand Dollars. Motion carried. Subject to course being eligible for and actually submitted for CE Certification on or before July 1, 2008 payment to be made by May 15, 2008.
- **Susan Hanson, ACAR,** request to underwrite Professional Training Seminar; motion was made by Pam Trees to deny request. Motion carried.
- **Susan Hanson, ACAR,** Procuring Cause: What it is, How to get it; motion was made by Pam Trees to deny request. Motion carried.
- **Susan Stevens, GTFAR,** request to underwrite Subdivision Development and Financing, motion was made by Kelly Fisher to approve request in the amount of (\$3,000.00) Three Thousand Dollars. Motion carried.
- **Marie Frere, Tamarack Resort,** request to underwrite lunch for Understanding Mold in the Restoration Industry, motion was made by Pam Trees to deny request. Motion carried.
- **Herbert Jensen, Tamarack Resort,** request to underwrite Understanding Mold in the Restoration Industry, motion was made by Kelly Fisher to partially approve request in the amount of (\$1,000.00) One Thousand Dollars. Motion carried.
- **Alicia Reinhard,** request to underwrite EcoBroker, motion was made by Kelly Fisher to deny request. Motion carried.

Enforcement Stipulations:

Case of Staff vs. Sheldon Ropicky (Ex-Parte). In consideration of the facts and evidence presented, motion was made by Andy Enrico to accept without exception the Stipulation which had been agreed to by Sheldon Ropicky. Motion failed.

Case of Staff vs. Donald D. Wixom (Ex-Parte). In consideration of the facts and evidence presented, motion was made by Kelly Fisher to accept without exception the Stipulation which had been agreed to by Donald D. Wixom and that the "Final Order" for disciplinary actions against Mr. Wixom be as follows:

- 1.) That Donald D. Wixom shall be issued a formal reprimand.
- 2.) That Donald D. Wixom pay a civil fine in the amount of Seven Hundred Fifty Dollars (\$750.00) by May 23, 2008.
- 3.) That Donald D. Wixom is required to successfully complete a live Business Conduct and Office Operations course by October 23, 2008.

4.) That Donald D. Wixom pay the cost and attorney's fees incurred in the investigation/prosecution of this matter in the amount of Three Hundred Dollars (\$300.00) by May 23, 2008.

5.) That the Commission shall be entitled, without further notice or action otherwise required by Idaho Code or IDAPA rules, to immediately suspend Respondent's license in the event the Respondent fails to timely comply with any term or condition of the Final Order. Notice of such action sent to the most current address provided by the Respondent to Staff shall be deemed sufficient. Any license suspension may be reinstated upon petition to the Commissioners after compliance of the Stipulation term or condition.

Motion carried. A copy of the "Final Order" is attached hereto and made a part of these minutes.

Case of Staff vs. James W. Powell (Ex-Parte). In consideration of the facts and evidence presented, motion was made by Pam Trees to reject the Stipulation which had been agreed to by James W. Powell. Motion failed. A second motion was made by Andy Enrico to accept Stipulation. Motion failed.

Case of Staff vs. Jerald W. Dickerson (Ex-Parte). In consideration of the facts and evidence presented, motion was made by Pam Trees to accept without exception the Stipulation which had been agreed to by Jerald W. Dickerson and that the "Final Order" for disciplinary actions against Mr. Dickerson be as follows:

1.) That Jerald W. Dickerson shall be issued a formal reprimand.

2.) That Jerald W. Dickerson pay a civil fine in the amount of Five Thousand Dollars (\$5,000.00) due and payable in five (5) monthly payments of not less than One Thousand Dollars (\$1,000.00), with the first payment due May 23, 2008 and due no later than the 23rd of each month thereafter until paid in full.

3.) That Jerald W. Dickerson salesperson's license shall be suspended for a period of eight (8) months after service of the Commission's Final Order, but that six (6) months shall be suspended provided Jerald W. Dickerson complies with the terms of the Commission's Final Order and violates no other license law. Mr. Dickerson license shall only be reinstated upon his written request and provided that (1) he has fully complied with the Commission's Final Order; and (2) his payments of the fees and/or fines assessed are current. The two month suspension term shall begin May 1, 2008.

4.) That Jerald W. Dickerson pay the cost and attorney's fees incurred in the investigation/prosecution of this matter in the amount of Three Hundred Dollars (\$300.00) by May 23, 2008.

5.) That in the event Jerald W. Dickerson fails to make a payment as required by this order on its due date, or within fifteen (15) days after said due date, then all sums remaining unpaid shall at once become due and payable. Any failure to exercise said option shall not constitute a waiver of the right to exercise the same option at some other time.

6.) That the Commission shall be entitled, without further notice or action otherwise required by Idaho Code or IDAPA rules, to immediately suspend Respondent's license in the event the Respondent fails to timely comply with any term or condition of the Final Order. Notice of such action sent to the most current address provided by the Respondent to Staff shall be deemed sufficient. Any license suspension may be reinstated upon petition to the Commissioners after compliance of the Stipulation term or condition.

Motion carried. A copy of the "Final Order" is attached hereto and made a part of these minutes.

Case of Staff vs. Garry L. Spath (Ex-Parte). In consideration of the facts and evidence presented, motion was made by Kelly Fisher to accept without exception the Stipulation which had been agreed to by Gary L. Spath and that the "Final Order" for disciplinary actions against Mr. Spath be as follows:

1.) That Gary L. Spath shall be issued a formal reprimand.

2.) That Gary L. Spath pay a civil fine in the amount of Five Hundred Dollars (\$500.00) by May 23, 2008.

3.) That Gary L. Spath is required to successfully complete a live Broker Management course by October 23, 2008.

4.) That Gary L. Spath pay the cost and attorney's fees incurred in the investigation/prosecution of this matter in the amount of Three Hundred Dollars (\$300.00) by May 23, 2008.

5.) That the Commission shall be entitled, without further notice or action otherwise required by Idaho Code or IDAPA rules, to immediately suspend Respondent's license in the event the Respondent fails to timely comply with any term or condition of the Final Order. Notice of such action sent to the most current address provided by the Respondent to Staff shall be deemed sufficient. Any license suspension may be reinstated upon petition to the Commissioners after compliance of the Stipulation term or condition.

Motion carried. A copy of the "Final Order" is attached hereto and made a part of these minutes.

Enforcement:

Voluntary License Surrender: Motion made by Kelly Fisher to Ratify Voluntary License Surrender received from Leslie Anne Stevens. Motion carried.

Consideration of Collections Policy: Craig presented proposed Debt Collection Policy to the Commissioners for approval. Motion was made by Andy Enrico to approve Debt Collection Policy as presented. Motion carried.

IREC's Non-Sufficient Funds Check Policy: A revised NSF check policy was reviewed. Motion was made by Andy Enrico to accept revisions to Non-Sufficient Funds Check Policy as presented. Motion carried.

Executive Session: In accordance with section 67-2345 (1)(d) & (f), Idaho Code, a motion was made by Andy Enrico to adjourn to executive session to review probable cause memoranda submitted pursuant to Section 54-2058(1), Idaho Code. Motion carried. Members reviewed probable cause memoranda.

Regular Session: There being no further purpose for an executive session, a motion was made by Pam Trees to adjourn the executive session. Motion carried.

Probable Cause Memo # 08-06300 A motion was made by Pam Trees finding that the facts set forth in the memorandum of probable cause provided to them by the Executive Director, pursuant to Section 54-2058(1), are sufficient to proceed with formal action on the violations presented. Commission staff is authorized to file an administrative complaint. Motion carried.

Probable Cause Memo # 07-28600 A motion was made by Andy Enrico finding that the facts set forth in the memorandum of probable cause provided to them by the Executive Director, pursuant to Section 54-2058(1), are sufficient to proceed with formal action on the violations presented. Commission staff is authorized to file an administrative complaint. Motion carried.

Special Considerations:

In accordance with section 67-2345 (1)(d) and 9-340C(9), Idaho Code, a motion was made by Pam Trees to adjourn to executive session to review special request licensure files submitted pursuant to Section 54-2012(1) and 54-2022(6), Idaho Code. Motion carried. Members reviewed exempt records submitted by petitioners in support of the requests for special consideration.

Regular Session: There being no further purpose for an executive session, a motion was made by Andy Enrico to adjourn the executive session. Motion carried.

Special Consideration #08-007 – Waive Broker Experience and Education Requirements of 54-2012(2)(a) and 54-2022(1)(a), and/or to extend the education waiver granted in 2005. Following discussion and review of the documents submitted, motion was made by Pam Trees to deny the request. Motion carried.

Special Consideration #08-008 Waive Broker Experience Requirement of 54-2012(2)(a). Following discussion and review of the documents submitted, motion was made by Kelly Fisher to approve request. Motion carried.

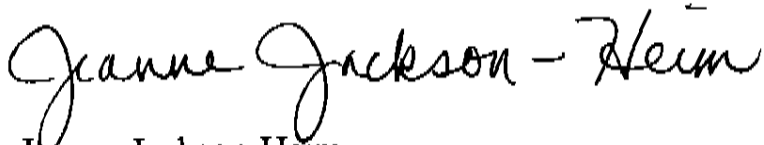
Special Consideration #08-009 Waive Broker Experience Requirement of 54-2012 (2)(a) or to extend the previous waiver granted 6 months prior. Following discussion and review of the documents submitted, motion was made by Andy Enrico to approve request and extend the waiver until June 1, 2008. Motion carried.

Education Petition

Petition for Review #08-071 – Request for Special Consideration seeking Certification of Course Content as within the Topic Area Approved for Continuing Education Credit 54-2036: Following discussion and review of the documents submitted, a motion was made by Andy Enrico to deny the request. Motion carried.

There being no further business, motion was made by Andy Enrico to adjourn the meeting at 3:17 p.m. Motion carried.

Respectfully Submitted,

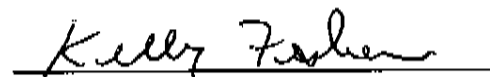


Jeanne Jackson-Heim
Executive Director

JJH: tla

Attachments: Licenses Issued March 2008
FY07-FY08 Analysis of Active & Inactive License Base
Online License Reports
Complaint Summary Report
March 2008, Financial Reports
Information and Technology Reports

Minutes of the Idaho Real Estate Commission meeting in Twin Falls, Idaho, on April 17, 2008, are hereby approved.


Steve Kohntopp, Chair
Kelly Fisher, Member
Andy Enrico, Vice Chair
Pamela Trees, Member